

(4) "panchayetdar" means a member of a Panchayet;

(5) "prescribed" means prescribed by the rules made under this Regulation;

(6) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village, but shall not include a local area constituted into a Municipality or placed under the control of a Sanitary Board constituted under the Mysore Mines Regulation, 1906, or the Jahgirs of Yelandur and Sringeri;

(7) "District" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a District;

(8) "District Board" means any Board constituted under the provisions of the Mysore District Boards Regulation, 1925;

(9) "Amildar" includes a Deputy Amildar.

CHAPTER II.

CONSTITUTION OF PANCHAYETS AND CONDUCT OF BUSINESS.

Establishment and incorporation of Panchayets.

4. (1) In any District or part of a District to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjacent villages, and shall have power, by a notification in the official gazette, to vary as occasion may demand, the grouping of villages.

Provided that the Deputy Commissioner shall, before a Panchayet is established for a group of villages or a regrouping of villages is effected, publish, in such manner as may be prescribed, a notice of his proposal to do so and consider any objections that may be preferred within one month of such publication.

(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.

Strength of the Panchayets and the election or nomination of Members.

5. (1) A Panchayet shall consist of such number of members not less than 5 nor more than 12 as the Government may fix in this behalf.

(2) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of members to represent each such village.

(3) The members of the Panchayet may be,

(i) either wholly elected by the residents of the village;

or

(ii) partly elected and partly nominated as the Government may direct by a notification in this behalf.

Provided that where the members are to be partly elected and partly nominated, the number to be elected shall not be less than half of the total number of members of the Panchayet.

(4) The members shall be elected in the manner prescribed.

(5) Any vacancies due either to want of qualified candidates or to failure to elect the full number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a duly elected member.

6. Every person who—

Qualifications
of voters.

(a) has completed 21 years of age;

(b) is a resident of the village or villages for which a Panchayet is to be established;

(c) was, during the year immediately preceding the election of the members of the Panchayet, assessed to a tax of half a rupee or more on account of land revenue, house tax, shop tax or tax on vacant sites and *kittals* within the village; and

(d) is not subject to any of the disqualifications mentioned in section 7;

shall be entitled to vote at an election of members of the Panchayet.

Provided that in the case of a joint family or a partnership paying half a rupee or more on account of any such tax, the manager of the family, or any member of the family or partnership with the consent of the rest may vote, unless otherwise disqualified.

7. No person may vote,

Disqualifi-
cation of
voters.

(a) who is of unsound mind; or

(b) who has been removed from office under section 13; or

(c) who is sentenced by a Criminal Court to transportation or imprisonment for a period of more than one month, such sentence not having been reversed or the offence pardoned; or,

(d) who applies to be adjudicated or is adjudicated a bankrupt or insolvent; or

(e) who has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1904.

8. Every person of the male sex who is entitled to vote at an election shall be qualified to be elected as a member.

Qualifications
of candidates.

9. (1) For every Village Panchayet there shall be a Chairman who shall be selected from among the Panchayetdars and either

Chairman.

(a) appointed by the Deputy Commissioner by name; or

(b) if the Government so directs, elected by the Panchayetdars in accordance with such rules and conditions as may be prescribed in this behalf.

10. Subject to such rules as may be made by the Government in this behalf, every Panchayet shall appoint a Secretary from among its members.

Secretary for
Panchayet.

11. Except as is otherwise provided in this Regulation or in any other law for the time being in force, members of Panchayets shall hold office for a term of three years, extensible by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner shall think fit, for reasons which shall be notified, together with the order in the official gazette, so to extend the same. The term of office of a Chairman shall be co-terminus with or be the residue of his term of office as a Panchayetdar.

Term of
Office of
Panchayetdar
or Chairman.

12. (1) If any person subject to any of the disqualifications specified in section 7 is elected or appointed to a Panchayet, his seat shall be deemed to be vacant.

Vacation of
seats.

(2) If any member of a Panchayet becomes disqualified under section (7) during the term for which he had been elected or appointed, he shall cease to be a member and his office shall become vacant.

(3) If any question, dispute or doubt arises whether any vacancy has occurred under this section, the orders of the Deputy Commissioner shall be final for the purposes of deciding such question, dispute or doubt.

Removal of members.

13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed under this Regulation, after giving him an opportunity for being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting.

Removal of Chairman.

14. The Deputy Commissioner shall remove a Chairman from his office for misconduct, or neglect of, or incapacity to perform, his duty. Against the order of the Deputy Commissioner in this matter an appeal shall lie to Government.

Resignation of office of Panchaytdar or Chairman.

15. A Panchaytdar or Chairman may resign his office by giving notice to the Amildar, and on such resignation being accepted, such Panchaytdar or Chairman shall be deemed to have vacated his office.

Filling of casual vacancies.

16. When the office of a Chairman or Panchaytdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchaytdar shall be appointed, elected or nominated as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchaytdar shall hold office so long as the Chairman or Panchaytdar whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secretary shall be in charge of the office of the Chairman during a casual vacancy, pending the appointment or election of a new Chairman.

Business how transacted.

17. (1) A Panchayet shall meet for the transaction of business at such time and place, and follow such procedure as may be prescribed.

(2) At every meeting of a Panchayet, the Chairman shall preside, and in his absence, the members of the Panchayet present shall choose one of their number to preside, thereat.

(3) The resolutions of the Panchayet shall be carried out by the Chairman in whom the entire executive power of the Panchayet shall be vested. The Chairman shall be directly responsible for the due fulfilment of the duties imposed upon the Panchayet by or under this Regulation.

An act of Panchayet not to be invalidated by vacancy or irregularity.

18. No act of a Panchayet shall be deemed invalid by reason only that the number of Panchaytdars at the time of the performance of such act was less than the sanctioned strength or by reason of any irregularity in the election of any member or Chairman of such Panchayet.

CHAPTER III.

DUTIES AND POWERS.

Duties—obligatory and discretionary.

Obligatory duties.

19. It shall be the duty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters:—

(i) Construction, repair and maintenance of village roads including cart-tracks, culverts and bridges ;

- (ii) Construction of drains, and disposal of drainage water and sullage;
- (iii) Cleansing of streets, drains, tanks and wells (other than tanks and wells used exclusively for irrigation) and other public places or works in the village;
- (iv) Extension of village sites and regulation of buildings;
- (v) Opening and maintenance of burial and burning grounds;
- (vi) Management and maintenance of cattle-pounds;
- (vii) Sanitation, conservancy and prevention and abatement of nuisances;
- (viii) Preservation and improvement of public health;
- (ix) Maintenance and regulation of the use of public buildings vested in the Panchayet;
- (x) Control of other institutions or property belonging to or vested in it; and
- (xi) Maintenance of tanks and wells (other than tanks and wells used exclusively for irrigation).

20. Subject to such rules as may be prescribed in this behalf, the Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters:—

Discretionary duties:

- (i) Supply of water for domestic use;
- (ii) Enforcement of vaccination;
- (iii) Registration of births and deaths;
- (iv) Providing facilities for travellers;
- (v) Relief of the poor and the sick;
- (vi) Excavation and maintenance of ponds for animals;
- (vii) Planting and preservation of groves and trees on the sides of roads and other public grounds;
- (viii) Control of cattle stands, grazing grounds and other communal waste lands;
- (ix) Taking measures for the economic improvement of the area in matters of education, agriculture, rural industries and trade; and
- (x) Other measures of public utility calculated to promote the safety, health comfort or convenience of the residents of the area.

Duties—that may be delegated.

21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet, the management, protection and maintenance of village forests, whether reserved for fuel and fodder or for other purposes.

Transfer of village forest to Panchayets.

22. The Government may, subject to such limitations and conditions as may be imposed in this behalf, empower any Panchayet to exercise all the powers and discharge all the functions that a Panchayet constituted under the Tank Panchayet Regulation, 1911, may exercise and discharge.

Vesting Panchayets with functions under Tank Panchayet Regulation.

23. Subject to the approval of the Government any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet, make over to it, subject to such conditions as may be agreed upon, the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which a Panchayet has got control.

Institutions or works may be transferred to Panchayet.

24. The Government may entrust the management of minor muzrai institutions and supervision over village schools in the area under the control of any Panchayet to such Panchayet subject to such rules or orders as may be passed from time to time.

Panchayet to exercise powers of school committees and manage Minor Muzrai Institutions.

Government's
power to add
to functions
of Pancha-
yats.

General
Power.

Power of Pan-
chayats as to
roads, bridges
and water
ways.

Control of the
Erection of
buildings.

Prohibition of
offensive or
dangerous
trades with-
out license.

Powers as to
sanitation,
conservancy
and drainage.

25. The Government may, subject to such conditions as may be imposed, authorise any Panchayet, by a general or special order, to exercise any functions or perform any duties other than those specified in sections 19 to 24.

26. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it; and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections 27, 28, 29, 30, 31 and 32.

27. The Panchayet shall have control of all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, not being private property and not being under the control or management of a District Board, Municipal Council or a Government Officer, and may do all things necessary for the maintenance and repair thereof and may—

- (a) lay out and make new roads;
- (b) construct new bridges;
- (c) divert, discontinue or close any road or bridge;
- (d) deepen or otherwise improve water-ways; and
- (e) provide for the lighting of any road or public place within the village.

28. (1) Subject to such rules as may be prescribed by the Government in this behalf, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet.

Provided that permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.

(2) Whenever any building is erected, altered, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under sub-section (1) or any conditions imposed by the permission, the Panchayet may—

- (a) direct that the building, alteration or addition be stopped;
- (b) by written notice require such building, alteration or addition to be altered or demolished as it may deem necessary; or
- (c) withdraw the permission.

29. (1) No place within the jurisdiction of a Panchayet shall be used for the purpose of any trade or business which the Government may, by notification, declare to be offensive or dangerous, except under a license from the Panchayet and subject to such conditions as may be imposed in the license.

(2) When a licensee fails to comply with any conditions imposed in the license, the Panchayet may suspend or cancel his license.

30. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction—

- (a) the Panchayet shall have power to,
 - (i) construct, alter or remove public drains;
 - (ii) establish burning ghats and burial grounds; and
 - (iii) effect such other improvements as are necessary to improve the sanitary condition of the area.

(b) The Panchayet may by a written notice, require within a reasonable period to be specified therein—

- (i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;
- (ii) the owner or occupier of any building to construct private drains therefor or to alter or to remove private drains thereof;

- (iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Panchayet;
- (iv) the owner or occupier of any land or building which contains or is attached to any well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action therewith as may be deemed necessary by the Panchayet;
- (v) the owner or occupier of any land overgrown with vegetation, under-growth, pricklypear, or jungle which is in any manner injurious to health, or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, under-growth, prickly pear or jungle.

(2) If any work required by a notice under clause (b) of sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in clause (b) of sub-section (1) as if it were a tax imposed under Section 36.

31. (1) For providing the area under its control or any part thereof with a supply of water, proper and sufficient, for public and private purposes, the Panchayet may—

Power of Panchayet to provide for proper water-supply.

- (a) construct, repair and maintain tanks or wells and clear out streams or water courses;
- (b) purchase or acquire by lease or gift any tank, well, stream or water-course, or any right to take or convey water within or without the area under its control;
- (c) with the consent of the owner thereof, utilize, cleanse or repair any tank, well, stream or water course or provide facilities for obtaining water therefrom;
- (d) contract with any person for a supply of water; or
- (e) do any other acts necessary for carrying out the purposes of this section.

(2) The Panchayet may, by order published at such places as it may think fit, set apart for the supply to the public of water for drinking or culinary purposes, any tank, well, stream, or water-course in respect of which action has been taken under clause (a) or (b) or (c) of sub-section (1), subject to any rights which the owner referred to in clause (c) of that sub-section may retain with the consent of the Panchayet.

(3) The Panchayet may, by order published at such places as it may think fit, prohibit all bathing, washing of clothes and animals, or other acts calculated to pollute the water of any tank, well, stream, or water-course set apart for drinking or culinary purposes under sub-section (2).

32. Any member, officer or servant of a Panchayet may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or execute any work for any of the purposes of this Regulation.

Power of entry.

Provided that—

- (a) no such entry shall be made between sunset and sunrise;
- (b) unless the entry be with the consent of its occupier, no dwelling-house shall be so entered without giving reasonable previous notice signed by the Chairman or by a person duly authorised by him in this behalf of the intention to make such entry; and

(c) due regard shall be had in making such entry to the social and religious usages of the occupants of the premises entered.

Officers and servants.

33. Subject to such rules as may be framed by the Government in this behalf, every Panchayet shall employ such officers and servants as may appear necessary to the Government and shall assign to them such pay, allowances, gratuities, pensions and contributions as the Government may direct.

CHAPTER IV.

PANCHAYET FUND AND RECOVERY OF DUES.

Panchayet Fund and its application and investment.

34. (1) All sums realised as taxes, fees, cesses, fines or costs under this regulation, all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1371, as amended by Regulation VIII of 1892, all sums of revenue assigned to the Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons, and any contribution from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund," the accounts of which shall be kept in the manner prescribed.

(2) The Panchayet Fund shall be administered by the Panchayet and the expenses incurred by the Panchayet in carrying out the purposes of this Regulation shall be paid out of the Panchayet Fund;

Provided that all sums made over to or realised by a Panchayet for any specific purpose shall be applied solely for that purpose.

(3) The Panchayet Fund shall be invested in the Government Savings Bank or with the approval of the Deputy Commissioner in a Co-operative Society. A Panchayet may, from time to time, with the approval of the Deputy Commissioner invest any portion of its surplus funds in Government securities or other securities approved by the Government.

Obligatory taxes.

35. In every village, a tax on houses, shops, vacant sites and *kittals* shall be levied, subject to such rules and not exceeding such rates as shall be prescribed.

Provided that it shall be competent to the Panchayet to make provision for exemptions in favour of individuals or class of individuals with the previous sanction of the Government.

Optional levy of cesses.

36. A Panchayet may also levy, with the previous sanction of the Government and subject to such rules as may be prescribed in this behalf, any other tax, cess, rate or license or other fee for the discharge of any of the duties imposed on it.

Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may with the consent of the person from whom such tax, cess, rate or fee is leviable, commute the payment of such cess into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf.

Objection in respect of liability to assessment.

37. No objection shall be taken to any assessment nor shall the liability of any person to be assessed be questioned otherwise than in accordance with the rules made under this Regulation.

Collection of taxes, cesses, fees, etc.

38. (1) The amount of taxes, fees or other dues shall be paid in such manner as may be prescribed, and in case of default of such payment, shall be recovered by the Chairman by distraint and sale of the movable property of the defaulter.

(2) The procedure to be followed prior to and during distraint and sale, the properties to be exempted from distraint and the disposal of surplus proceeds, etc., shall be in accordance with the rules framed in this behalf.

(3) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar shall recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section (1).

(4) If the taxes or other dues cannot be recovered under sub-sections (1) and (3), the Deputy Commissioner of any District or any officer authorised by a Deputy Commissioner in this behalf, may recover the same as an arrear of land revenue, on receipt of a statement of account certified by a Chairman or an Amildar and after holding such enquiry, if any, as he thinks fit.

(5) Nothing herein contained shall preclude the institution by a Panchayet of a suit for any amount due under this Regulation.

39. (1) Every Panchayet shall submit annually to the Amildar having jurisdiction on or before such date as may be prescribed, a budget of estimated receipts and expenditure for the coming official year and a report of its proceedings.

Annual budget of Panchayets.

(2) Every such budget shall be scrutinised and passed by the Amildar with such modifications, if any, as he deems fit and a copy of it shall be sent to the Deputy Commissioner having jurisdiction. Provided that the budget shall be presumed to have been passed if it is not returned by the Amildar within a month.

(3) No expenditure which is not provided for in the estimate as approved by the Amildar shall be incurred during the year to which the estimate relates without the previous sanction of the Deputy Commissioner.

40. Accounts of all the receipts and expenditure of every Panchayet shall be made up to the last day of every official year in such form as the Government from time to time prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf.

Annual accounts and audit.

CHAPTER V.

CONTROL.

41. The Deputy Commissioner shall be chief controlling authority in respect of all matters relating to the administration of Panchayets in the District.

Deputy Commissioner to be Chief Controlling authority.

42. The Assistant Commissioner in charge of a Taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that taluk.

Assistant Commissioner to exercise powers of Deputy Commissioner.

43. Subject to the general control of the Deputy Commissioner, the Amildar shall exercise general powers of inspection, supervision and control over the Panchayets within his taluk; Provided that the Government may confer on the holder of any alienated village all or any of the powers of an Amildar under this Regulation.

Amildar to exercise general powers.

44. The Amildar shall submit annually to the Deputy Commissioner a consolidated report on the working of the Panchayets in the Taluk in such form as the Government may from time to time prescribe and the Deputy Commissioner shall review the report and submit a copy of his review for the information of Government.

Administration Report.

45. The Deputy Commissioner may, by order in writing, require any Panchayet in his District to perform any duty—whether obligatory, discretionary or delegated under this Regulation—annul any proceedings which he considers not to be in conformity with law and may do all things necessary to secure such performance or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government against the order of the Deputy Commissioner.

Power of Deputy Commissioners.

Inspection of records.

46. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar and any other officer empowered by Government in this behalf, shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions.

Inspection of property or work.

47. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar or any other officer empowered by Government in this behalf, shall, in respect of Panchayets within his jurisdiction, have power at all times—

(a) to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by or any work in progress under the orders of, or any institution controlled by, a Panchayet ;

(b) to call for and inspect any document which may be for the purposes of this Regulation in the possession or under the control of a Panchayet ;

(c) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit; and may give such advice in respect of the administrative work and proceedings as he thinks fit.

Appointment of Inspectors.

48. The Government may appoint for each taluk one or more Inspectors of Panchayets to secure better supervision over Panchayets and to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.

Power to provide for performance of duties in default of Panchayet.

49. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty imposed on it by or under this Regulation, the Amildar, if satisfied after due enquiry that the Panchayet has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Amildar may appoint some person to perform it, and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Panchayet.

(3) If the expense and the remuneration are not so paid the Amildar may make an order directing the person having the custody of the balance of the Panchayet Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

A copy of the order passed under clauses (1), (2) and (3) shall be sent to the Deputy Commissioner as soon as it is passed and it shall be within the discretion of the Deputy Commissioner to rescind or to modify the order.

Power to suspend execution of orders, etc.

50. (1) If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause the injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof.

(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of the reason for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.

Extraordinary powers of an Amildar in case of emergency.

51. (1) In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion,

necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet.

(2) If the expense and the remuneration are not so paid, the Amildar may make an order directing the person having the custody of the balance of the Panchayet Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

(3) The Amildar shall forthwith report to the Deputy Commissioner every case in which he uses the powers given to him by this Section.

52. (1) If a Panchayet is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation or otherwise by law, or exceeds or abuses its powers, the Deputy Commissioner having jurisdiction may, by an order published, with the reasons for making it, in the official Gazette, declare the Panchayet to be incompetent or in default, or to have exceeded or abused its powers as the case may be, and supercede it for a period to be specified in the order.

Power to supercede Panchayet in case of incompetency, default or abuse of powers.

(2) When a Panchayet is so superceded, the following consequences shall ensue:—

Consequences of supercession of Panchayets.

(a) all members of the Panchayet shall, as from the date of the order, vacate their office as such members;

(b) all powers and duties of the Panchayets may, during the period of supercession, be exercised and performed by such person or persons as the Deputy Commissioner from time to time appoints in that behalf;

(c) where a Panchayet is superceded, all property vested in it shall, during the period of supercession, vest in the Deputy Commissioner subject to all rights over, and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supercession specified in the order, the panchayet shall be re-established by re-appointment or election and the persons who vacated their office under clause (a) shall not be deemed disqualified for appointment or election.

53. (1) Save as otherwise provided for in this Regulation, an appeal shall lie against an order of—

Appeals.

(a) the Panchayet in a Taluk to the Amildar of the Taluk;

(b) the Amildar, to the Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Assistant Commissioner in charge; and

(c) the Assistant Commissioner, to the Deputy Commissioner;

and shall be preferred within fifteen days of the date of the order.

(2) The decision of the Deputy Commissioner shall be final.

54. (1) If a dispute arises between two or more Panchayets in the same taluk, the matter shall be referred to the Amildar for decision.

Disputes between Panchayets.

(2) If a dispute arises between two or more Panchayets which are within the same District but which are in different taluks, the matter shall be referred to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final.

(3) If a dispute arises between two or more Panchayets in different districts, the matter shall be referred to the

Government; and the decision of the Government thereon shall be final.

Disputes between a Municipal Council and a Panchayet.

55. (1) If a dispute arises between a Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner, and the decision of the Deputy Commissioner thereon shall be final.

Provided that, if the Deputy Commissioner is a Councillor of the Municipal Council concerned, his functions under this section shall be discharged by the Government.

(2) If a dispute arises between a Municipal Council and a Panchayet in different districts the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

CHAPTER VI.

MISCELLANEOUS.

Members of Panchayats to be public servants.

56. Every member of a Village Panchayet and every officer and servant maintained by or employed under it shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Liability of members for loss, waste, or misapplication of property.

57. (1) If after giving the member concerned a sufficient opportunity for showing cause to the contrary the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on his part, they may by order in writing, direct such member to pay to the Panchayet before a date fixed the amount required to re-imburse it for such loss, waste or misapplication.

(2) If the amount is not so paid, the same shall be recovered as an arrear of land revenue and credited to the Panchayet Fund.

(3) The decision of the Government shall be final as to the liability of a member under sub-section (1) and as to the amount to be recovered from him.

Institution of legal proceedings against Panchayet member, officer, servant or Agent and bar of certain suits.

58. (1) No suit shall be brought against any Panchayet or any member, officer, servant, or agent thereof acting under its direction, in respect of any act purporting to be done in its or his official capacity, until the expiration of three months next after notice in writing has been, in the case of panchayets, left or delivered at its office and in the case of a member, officer or servant delivered to him or left at his office or place of residence. The notice shall state the cause of action, the name and place of residence of the intending plaintiff, and the relief which he claims. The plaint shall contain a statement that such notice has been so delivered or left.

(b) Every such action shall be dismissed unless it is instituted within six months after the accrual of the alleged cause of action and the service of such notice is admitted or proved.

(c) When the suit is against a member, officer, servant or agent of a Panchayet, the Deputy Commissioner shall determine whether the defence of the suit should be undertaken by the Panchayet and paid for out of the Panchayet Fund.

(2) (a) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation or for the recovery of any sum of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority;

Provided that the provisions of this Regulation have been in substance and effect complied with.

(b) No suit or other legal proceedings shall lie against any member, officer, servant or agent of a Panchayet acting under its direction, in respect of anything done lawfully and in good faith under this Regulation or any rule made thereunder.

59. Whoever obstructs or molests a Panchayet or any member thereof, or any person employed by it or him, or any person with whom it or he has contracted in the performance of its or his duty under the provisions of this Regulations, or prevents or tries to prevent any person from doing anything which he is empowered or required to do by virtue of this Regulation, or removes any mark set up for the purpose of indicating any level or direction incidental to the carrying out of any work authorised by this Regulation, or removes or destroys, defaces or otherwise obliterates any notice put up or exhibited by the Panchayet or under its authority, shall be liable on conviction by a Magistrate to a fine not exceeding Rs. 50.

Punishment
for obstruct-
ing Pancha-
yet, member
or agent.

60. (1) Whoever—

(a) erects, alters, adds to or reconstructs a building without the written permission required by Section 28 or in contravention of any of the conditions imposed by it;

Punishment
for offences
under this
Regulation
and power to
compound.

(b) uses any place for an offensive or dangerous trade without a license required by Section 29 or contrary to the conditions imposed therein; or

(c) disobeys an order issued under Sub-section (3) of section 31; or

(d) commits any other offence under the Regulation or the rules thereunder;

Shall on conviction before a Magistrate be liable to a fine not exceeding Rs. 50; provided that a person convicted in cases falling under clause (b) or any other clause shall be liable to a further fine which may extend to Rs. 5 for each day after conviction during which he continues so to offend.

(2) A Panchayet may—

(a) accept by way of compensation a sum of money not exceeding Rs. 50 from any person against whom a reasonable suspicion exists that he has committed any of the aforesaid offences, and on such compromise no proceedings shall be taken against such person in respect of such offence;

(b) Compound for a similar sum any of the offences aforesaid and withdraw from the prosecution instituted under this regulation or any rule thereunder.

(3) All fines imposed by a Magistrate under this Regulation or the rules framed thereunder shall be recovered and credited to the Panchayet Fund.

61. (1) The Government may make rules to carry out all or any of the purposes of this Regulation not inconsistent therewith.

Power of
Government
to make rules

(2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules:—

(a) with reference to all matters expressly required or allowed by this Regulation to be prescribed;

(b) for giving intimation of vacancies in the offices of Chairman and Panchayetsdars, for fixing the time within which elections shall be held for filling such vacancies, and generally for regulating all elections under this Regulation and determining the authority who shall decide disputes relating to such elections;

(c) regulating the establishment of the Panchayets and their powers to acquire, hold and transfer property and to enter into contracts;

(d) as to the powers that may be exercised by the Chairman;

- (e) as to the grant of leave to the Chairman and Secretary and for the conduct of business during their absence;
- (f) regarding the time, place and the conduct of meetings of Panchayets and quorum;
- (g) regarding the appointment of the officers and servants of the Panchayet and their salaries, allowances, pensions, gratuities, transfers and punishments;
- (h) as to the levy of taxes, cesses, rates, fees or other dues under this Regulation, their assessment and recovery including the procedure to be adopted during distraint, sale, etc.
- (i) as to the accounts to be maintained by Panchayets, the audit and publication of such accounts, and the arrangements to be made for the lodging and custody of the Village Fund;
- (j) as to the returns, statements and reports to be submitted by Panchayets;
- (k) as to the preparation and sanction of the estimates of receipts and expenditure of Panchayets;
- (l) prescribing the manner in which notifications and orders under this Regulation shall be published;
- (m) prescribing instructions for the guidance of the controlling authorities in exercising the powers delegated to them;
- (n) prescribing the class of Magistrates by whom offences under this Regulation or the rules thereunder shall be tried;
- (o) as to the settlement of differences or disputes between any two Panchayets or between a Panchayet or any other local authority in regard to any matters arising for decision under this Regulation;
- (p) regulating the conservancy of villages;
- (q) providing for the protection and periodical examination of wells and water-supply in villages;
- (r) defining and prohibiting public nuisances in villages; and
- (s) improving the sanitation of villages in other similar respects;
- (t) regulating the grant of permission to erect buildings and the conditions and terms that may be imposed.

(3) The power to make rules under this section is subject to the condition that the rules shall not take effect, until they shall have been previously published in the Official Gazette:

Form of notices.

64. All notices given or issued under the provisions of this Regulation shall be in writing.

Method of serving document.

65. (1) When any notice or other document is required by this Regulation or by any rule or order made under it to be served on, or sent to, any person, the service or sending thereof may be effected:—

- (a) by giving or tendering the said document to such person; or
- (b) if such person is not found, by leaving such document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family; or
- (c) if such person does not reside in the village and his address elsewhere is known to the chairman, by sending the same to him by post registered; or
- (d) if none of the means aforesaid be available, by fixing the same in some conspicuous part of his last place of residence or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

(3) Whenever in any bill, notice or other document served or sent under this Regulation or the rules thereunder a period is fixed within which any tax or other sum is to be paid or any work executed, or anything provided, such period shall, in the absence of any distinct provision to the contrary in this Regulation or the rules thereunder, be calculated from the date of such service or sending.

STATEMENT OF OBJECTS AND REASONS.

In connection with the reorganisation of the scheme of Local Self-Government, the Local Self-Government Conference of 1923 sent up among others, the following resolutions relating to the future development of Panchayets:—

(a) That the village improvement committees shall be abolished and that the Panchayet scheme should be introduced into all rural areas, each village or group of villages being constituted into a Panchayet;

(b) that the duties of the Panchayets should be classified as obligatory and optional;

(c) that the Panchayet should be invested with powers under the Village Courts Regulation and entrusted with power over minor Muzrai Institutions; and

(d) that the Panchayets should supplement their income by taxation to the extent necessary for the discharge of their obligatory duties in addition to the contributions that may be made to them by the Government or District Board.

After considering the resolutions of the conference, a draft scheme was prepared and the general lines on which it was proposed to further develop Local Self-Government in the State was placed before the Representative Assembly. After due consideration of the views of the Assembly the Government passed orders in G. O. No. L. 4542-71—L. B. 104-24-1, dated 23rd December 1924, indicating among other things the principles on which the Panchayet Scheme is intended to be worked.

The accompanying Bill has been prepared to give effect to those principles.

The scheme is proposed to be given effect to in any district or part of a district on such date as the Government direct.

Provision is made for election as well as nomination of members of Panchayets, as nomination will be necessary in the initial stages of Panchayet Development.

Women may vote, but not stand for election to a Panchayet.

The Chairman of a Panchayet will as a general rule be nominated, but will be elected where Government so directs.

The functions of the Panchayets are classified into three heads, viz., (a) obligatory duties, (b) discretionary duties; and (c) duties which may be delegated to Panchayets.

The obligatory duties are limited to village communications, conservancy and sanitation. The discretionary duties are made as comprehensive as possible to enable the Panchayets to enlarge the scope of their activities, as they gain experience and realise the benefits of Local Government and taxation. The duties which Government or Local Bodies may delegate are not many and relate in the case of Government to transfer of functions under the Tank Panchayet Regulation, and Forest

Panchayet Rules. Provision is also made for the transfer of Minor Muzrai Institutions, Elementary Education or any other institution to the management or supervision of Panchayets.

In order to enable Panchayets to function efficiently, powers of local taxation are given to Panchayets in respect of a levy of tax on houses, shops, vacant sites and *hittals*. Provision is, however, made for exemptions.

Power is also given to the Panchayets to levy any other tax with the previous sanction of Government.

The Deputy Commissioner is made the chief controlling authority in regard to the administration of the Panchayets in the district. The local revenue officers may be delegated with these powers. Provision is also made for the appointment of Inspectors to assist in the internal administration and control of the Panchayets.